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N.J. BOARD OF DENTISTRY  
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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF DENTISTRY

In the Matter of	)	Administrative Action
ALAN T. RUTKOWSKI, D.M.D.	)	
Licensed to Practice Dentistry)	)	CONSENT ORDER
in the State of New Jersey )	)	

CERTIFIED TRUE COPY

This matter was opened to the New Jersey Board of Dentistry (hereinafter "Board") upon the receipt of complaints involving five patients treated for Temporomandibular Dysfunction (TMD) by Alan T. Rutkowski, D.M.D. (hereinafter "respondent"). The complaints alleged excessive treatment, unnecessary radiographs, and excessive billing.

Having reviewed all materials concerning these five patients, including but not limited to: patient records and radiographs, reports of subsequent treating dentists and IME reports, and having heard the testimony of respondent at the investigative inquiry on October 23, 1996 where respondent appeared with his counsel, John Paul Dizzia, Esq., it appears that respondent failed to maintain proper patient records as required by N.J.A.C. 13:30-8.7(a) in that he failed to properly document his treatment plans and the results of radiographs. These failures

form the basis for disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Additionally, after a preliminary review of the record in this matter, the Board has also concluded that the treatment rendered to the patients in the five cases reviewed by the Board in this matter appears to involve the use of extensive diagnostic modalities which may have been unnecessary and/or duplicative. However, the Board is satisfied that it can conclude this matter at this time in a manner which adequately protects the public because respondent agrees that these matters may be resolved without recourse to further investigation and formal proceedings, and without any findings or admissions related thereto:


IT IS, THEREFORE, ON THIS 13 DAY OF AUGUST, 1999,  
HEREBY ORDERED AND AGREED THAT:

1. Respondent hereby agrees and shall waive the outstanding balance in the amount of \$895.00 owed by patient A.M.
2. Respondent is hereby reprimanded for violating N.J.A.C. 13:30-8.7(a) for failure to properly document patient records and shall pay a civil penalty in the amount of \$500.00 contemporaneously with the signing of this Order. Payment shall be made by certified check or money order made payable to the State of New Jersey and forwarded to Agnes M. Clarke, Executive Director of the Board of Dentistry, at P.O. Box 45005, Sixth Floor, 124 Halsey Street, Newark, New Jersey 07101.
3. Respondent shall forward to Agnes M. Clarke, Executive Director of the Board of Dentistry, at the address above, the sum of \$1,321.83, by certified check or money order made

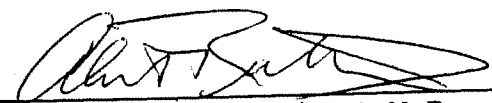
payable to the State of New Jersey contemporaneously with the signing of this Order, which represents the costs of the investigation of this matter.

4. Respondent shall perform diagnostic testing to determine the presence of TMD resulting from traumatic injury in a manner consistent with N.J.A.C. 13:30-8.22.

New Jersey Board of Dentistry

  
Abraham Samansky D.D.S.  
President

I have read and understand  
the terms of this Consent Order  
and agree to be bound by the  
terms. I consent to the entry  
of this Order.

  
Alan T. Rutkowski, D.M.D.